

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28939 of 2008
RAM SUNDAR SAH
Versus

STATE OF BIHAR

- - - -

3. 9.9.2008

Heard.

The petitioner is in custody in a case under Sections 409,420,467,468,471 and 120(B) of the Indian Penal Code. He was the cashier in the Co-operative Bank, Parihar and undisputedly, was holding the post from 30.5.2003 and not prior to that. He before that particular date was posted in the same capacity with the same Bank in Dumra Branch.

The allegation is in respect of a fraud which relates to an account which was created for the first time on 3.4.2003, i.e., one month prior to the posting of the petitioner in the Parihar Branch of the Co-operative Bank and the further allegation is that by fraudulent operations, several cheques were shown collected and huge amount totaling to Rs. 6,10,110/- was siphoned off the assets of the Bank.

Learned Additional Public Prosecutor has referred to many paragraphs of the case

diary and has fairly conceded that the date since when the petitioner was posted in the Branch of the concerned Bank and defrauding did not go hand in hand and even if the petitioner was posted there it could not be said that he had the knowledge of defrauding or had any hand in connivance with the real culprits.

Regard being had to the above facts and circumstances, let the above named petitioner be directed to be released from custody on his furnishing a bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate (Sadar), Sitamarhi, in Parihar P.S. Case No. 21 of 2004.

(Dharnidhar Jha, J.)

Kanth

